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11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

14 ERIKA ANDERSON; RICHARD
15 BAGNATE; KAMALIHA BREWSTER;
16 CRAIG PETERS; and EDUARDO WADE,

16 Plaintiffs,

17 v.

18 TRANS UNION, LLC,

19 Defendant.

Case No. 2:22-cv-01214-GMN-NJK

**AMENDED STIPULATION AND
PROPOSED ORDER TO EXTEND THE
DISCOVERY AND CASE MANAGEMENT
DEADLINES**

[SECOND REQUEST]

Complaint filed: July 28, 2022

Assigned to Hon. Judge Gloria M. Navarro

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22 Plaintiffs Erika Anderson, Richard Bagnate, Kamaliha Brewster, Craig Peters, and
23 Eduardo Wade (“Plaintiffs”) and Defendant Trans Union LLC (“the Parties”) hereby jointly move
24 to extend all deadlines set forth in the Stipulated Discovery Plan and Scheduling Order filed with
25 this Court on February 8, 2023, (ECF No. 28) by a period of fourteen (14) days.

26 1. On July 28, 2022, Plaintiffs filed their Complaint (ECF No. 1), against Defendant
27 Trans Union.
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1 2. Trans Union filed its Answer to Plaintiffs' Complaint on September 14, 2022 (ECF
2 No. 10).

3 3. On October 27, 2022, Plaintiffs filed their First Amended Complaint (ECF No. 19),
4 against Defendant Trans Union.

5 4. Trans Union filed its Answer to Plaintiffs' First Amended Complaint on November
6 10, 2022 (ECF No. 21).

7 5. On November 15, 2022, Trans Union filed its Notice of Filing Motion to Transfer
8 Action Pursuant to 28 USC 1407 for Coordinated or Consolidated Pretrial Proceedings (ECF No.
9 23).

10 6. On February 6, 2023, the United States Judicial Panel on Multidistrict Litigation
11 issued its Order Denying Transfer.

12 7. On February 7, 2023, the Parties filed a Joint Stipulation Extending Discovery
13 Deadlines (ECF No. 26).

14 8. On February 8, 2023, The Court issued its Order Granting the Stipulation Extending
15 Discovery Deadlines, which closes discovery on May 12, 2023 (ECF No. 28).

16 9. To date, the Parties have exchanged initial disclosures and completed written
17 discovery. Both parties have exchanged a voluminous number of documents; Plaintiffs have
18 disclosed nearly 1,000 pages of documents, and Trans Union has disclosed approximately 3,000
19 pages of documents.

20 10. Plaintiffs served their written discovery on Trans Union on February 9, 2023, and
21 Trans Union served written discovery on each other on February 10, 2023. The parties served
22 their respective written discovery responses on April 3, 2023, after several stipulated extensions
23 which permitted the parties to conduct extensive settlement negotiations in an effort to resolve this
24 matter without further court involvement.

25 11. Trans Union served its deposition notices on April 14, 2023. Plaintiff anticipates
26 serving a 30(b)(6) notice of deposition on Trans Union by the end of today.

27 12. The Parties are in the process of scheduling up to ten depositions in this matter: one
28

1 for each of the Plaintiffs, and up to five corresponding 30(b)(6) depositions of Trans Union.¹
2 Several of the Plaintiffs are unable to sit for the deposition prior to the close of discovery, given
3 prior commitments; at least one deponent will likely be deposed on a Saturday.

4 13. The Parties require an additional (14) fourteen days to complete deposition
5 scheduling arising from issues and concerns about receiving transcripts in time for Motion
6 practice. Specifically, the Parties are in the process of scheduling five plaintiff depositions and
7 corresponding depositions of Trans Union's corporate witness, and several depositions may be
8 taken out of time under FRCP 29. There is a concern that, given availability of all sides to conduct
9 depositions, that insufficient time prior to the onset of motion practice may exist to obtain and use
10 deposition transcripts for use in anticipated summary-judgment motion practice without a brief
11 extension. Moreover, the parties are attempting to resolve discovery-related issues – some of
12 which Plaintiff contends occurred as a result of Trans Union's April 14, 2023 Rule 11 letter to
13 Plaintiffs – without needing to burden the Court with discovery motion practice and prior to Trans
14 Union's 30(b)(6) deposition. Therefore, the Parties believe they meet the excusable neglect
15 standard for seeking this brief extension.

16 14. This is the Parties' second request to extend these deadlines.

17 15. No party will be prejudiced by this Court granting this Stipulation as all parties
18 jointly seek an extension of these deadlines. Moreover, the Parties believe that allowing the
19 extension will serve the ends of judicial economy.

20 Accordingly, the parties request adoption of the following deadlines:

21 **a. Discovery Plan:**

22 Last date to complete discovery: **May 26, 2023**

23 Amendments to pleadings and addition of parties: **Closed**

24 Last date to disclose Experts: **Closed**

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26 ¹ Because this is a consolidated proceeding involving several plaintiffs whose facts largely
27 turn on the same operative issues, Plaintiff has proposed, in this matter only, that Trans Union's
28 30(b)(6) deposition for all five Plaintiffs be consolidated into one or, at most, two days of
questioning.

1 Last date to disclose rebuttal Experts: **Closed**

2 Last date to file dispositive Motions: **July 25, 2023**

3 **b. Pre-Trial Order:** The parties shall file a joint pretrial order no later than **August**
4 **24, 2023**, or thirty (30) days after the date set for filing dispositive motions. In the event that parties
5 file dispositive motions, the date for filing the joint pretrial order shall be suspended until thirty
6 (30) days after decision on the dispositive motion or further order of the Court.

7 WHEREFORE, Plaintiffs and Trans Union respectfully request this Honorable Court (1)
8 extend discovery in the present matter as set forth above; and (2) reissue a new Scheduling Order
9 to reflect the requested extension

10 **ORDER**

11 **IT IS SO ORDERED.**

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UNITED STATES MAGISTRATE JUDGE

14 Dated: April 28, 2023
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